

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNIVERSITY OF
MASSACHUSETTS and CARMEL
LABORATORIES, LLC,

Plaintiffs,

v.

L'ORÉAL USA, INC.,

Defendant.

C.A. No. 17-cv-868-CFC-SRF

~~PROPOSED~~ FINAL JUDGMENT

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED
that:

1. For the reasons stated in the Court's April 20, 2021 opinion (D.I. 410), final judgment of invalidity of claims 1, 3, 5, 6, 7, and 9 of U.S. Patent Nos. 6,423,327 and 6,645,513 is entered in favor of Defendant L'Oréal USA, Inc. and against Plaintiffs University of Massachusetts and Carmel Laboratories, LLC.¹


2. All pending motions are denied as moot. (*See* May 5, 2021 Oral Order; April 26, 2021 Status Teleconference Tr.)

¹ The April 20 opinion addressed independent claim 1 and dependent claims 3, 5, 6, 7, and 9 of the asserted patents, finding them invalid for indefiniteness. The parties agree that the Court's opinion renders dependent claims 2, 4, 8, and 10 also invalid for indefiniteness.

3. Any motion for attorney fees and/or costs, including any bill of costs under Fed. R. Civ. P. 54(d) and/or D. Del. LR 54.1 or motion pursuant to 35 U.S.C. § 285, Fed. R. Civ. P. 54(d)(2), or D. Del. LR 54.3, shall be considered timely if filed and served (1) within 30 days after final disposition of any appeal or (2) within 30 days after the expiration of the time for filing a notice of appeal under Fed. R. App. P. 3 and 4.

This is a final, appealable judgment.

Dated: May 14, 2021



Judge Colm F. Connolly